

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MENTHER MUHAMD ,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR ,

Respondent.

CASE NO. 2:20-cv-01862-RSM-BAT

**ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL**

Petitioner moves the Court to appoint counsel in this 28 U.S.C. § 2241 habeas action. Dkt. 6. Petitioner request counsel be appointed because he is indigent, has been in immigration custody for three years, and claims his continued detention violates his constitutional rights. There is no right to have counsel appointed in § 2241 cases unless an evidentiary hearing is required. *See Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992). At this point it is premature to find an evidentiary hearing is needed. The present petition is the second request for habeas relief filed by petitioner. His first habeas petition was filed on March 4, 2020 and docketed under case number 2:20-cv-00605-RAJ. The assigned district judge dismissed this petition on October 28, 2020. Given the case history of the prior petition and the present matter, the court finds petitioner has the ability articulate his claims and that the interests of justice do not require appointment of counsel. The

1 Court accordingly **DENIES** petitioner's motion to appoint counsel. Dkt. 6. The Clerk shall send  
2 copies of this Order to petitioner and the assigned District Judge.

3 DATED this 15<sup>th</sup> day of January, 2021.

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6 BRIAN A. TSUCHIDA  
7 Chief United States Magistrate Judge  
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